

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

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| In the Matter of |) | CC Docket No. <u>98-14</u> |
| Number Portability Query Services |) | |
| Ameritech Tariff F.C.C. No. 2, |) | CCB/CPD 97-46 |
| Transmittal Nos. 1123, 1130; |) | |
| Bell Atlantic Tariff F.C.C. No. 1, |) | CCB/CPD 97-52 |
| Transmittal No. 1009; |) | |
| Southwestern Bell Tariff F.C.C. No. 73, |) | CCB/CPD 97-64 |
| Transmittal No. 2680; |) | |
| Pacific Bell Tariff F.C.C. No. 128, |) | CCB/CPD 97-65 |
| Transmittal No. 1962 |) | |

COMMENTS ON DIRECT CASES

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COMMUNICATIONS HOLDINGS
INC.

February 20, 1998

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COMMENTS ON DIRECT CASES

Time Warner Communications Holdings Inc. ("TWComm"), by its attorneys, hereby files these comments on the Direct Cases filed in the above-captioned proceeding.

INTRODUCTION

TWComm addresses herein the narrow but important question of default query charges. Specifically, TWComm is concerned that some incumbent LECs may be planning to perform and charge other carriers for default queries made on calls to NXXs in which no telephone number has yet been ported. Although it is unclear whether any of the parties subject to the instant investigation plans to adopt this approach, the Commission should clarify that it is impermissible. Carriers should of course be free to modify their switch triggers and routing tables to perform queries in an

NXX before any telephone number in that NXX has been ported. However, carriers need not and should not be permitted to charge other carriers default query charges for calls made to an NXX until at least one telephone number in the NXX has been ported. Number portability tariffs must comport with this rule.

DISCUSSION

The standard industry procedures adopted by the North American Numbering Council ("NANC") and the regional operation teams contemplate in general a two-part approach to implementing number portability in a particular NXX.¹ The first phase is initiated when a carrier holding an NXX notifies the master regional database, or Number Portability Administration Center/Service Management System ("NPAC/SMS"), that number portability will be implemented for the NXX code.² The NPAC/SMS then updates its NXX database and sends a notification of the update to all carriers. In addition, the carrier that holds the NXX updates the Local Exchange Routing Guide ("LERG"), performs Global Title Translations and makes other required changes. However, since carriers' triggers and routing tables need not be updated at this stage, database queries need not be performed for calls to the NXX.

¹ See "SW Region Code Opening Process for Number Portability" (6/26/97); NANC Issue 1.0 "Inter-Service Provider LNP Operations Flows - Code Opening Processes" (4/8/97) attached as Appendices.

² See id.

The second phase begins after the first telephone number in the NXX is ported to a new carrier. At that point, the NPAC informs all carriers of this development, and the carriers must then update their triggers and open routing tables. The industry has generally adopted a five day window for carriers to complete this process.³ Once complete, carriers make number portability queries for calls made to the NXX in question.

It is TWComm's understanding that some incumbent LECs plan to update their triggers and open routing tables for all of the NXXs served by a switch, regardless of whether a telephone number has been ported in a particular NXX. Carriers adopting this approach would perform queries on calls to these NXXs even if no telephone number in the NXX has been ported. There is no prohibition against this approach. Indeed, by itself, such an approach is not harmful. It would be harmful, however, if carriers performing queries in this situation required N-1 carriers to pay default query charges on calls to NXXs in which no number has yet been ported (hereinafter referred to as "non-ported NXXs").

The BOCs have provided insufficient information in their transmittals and supporting pleadings to enable the Commission and others to determine conclusively whether they intend to charge a query fee for calls to non-ported NXXs. Some of the

³ See "SW Region Code Opening Process for Number Portability."

tariffs, however, include language that could be construed to permit such charges. For example, Pacific Bell's tariff states:

Where the carrier of the N-1 network fails to secure the LRN, and forwards a call to a switch in the Telephone Company's network for a NXX designated as a number portable code in the Local Exchange Routing Guide and/or National Exchange Carrier Association Inc. F.C.C. No. 4, the Telephone Company will bill that N-1 carrier a default query charge

This statement would appear to allow the LEC to levy default queries once the LERG update has been performed. As mentioned, that update is made for an NXX before any number from the NXX is ported. Thus, the tariff does not appear to prohibit default query charges for calls to non-ported NXXs.

If imposed, such charges would cause other carriers to incur substantial costs. N-1 carriers would be required either to pay the LEC to perform the queries or to incur the cost of performing the queries themselves. For TWComm and many other nascent competitors, performing the queries themselves means paying their third party SS7 vendors on a per-query basis.

The imposition of these substantial and unnecessary querying costs on N-1 carriers would violate the Commission's policy of requiring number portability upgrades only where necessary to advance competition. Pursuant to this policy, the Commission has limited the incumbent LECs' number portability upgrade

⁴ See Pacific Bell Tariff F.C.C. No. 128 at 13.3.16(A). Southwestern Bell's tariff and Bell Atlantic's tariff include almost identical language. See Southwestern Bell Telephone Company Tariff F.C.C. No. 73 at 34.1; Bell Atlantic Tariff F.C.C. No. 1 at 13.3.16.

obligations to switches for which another carrier has made a specific request for the provision of portability (rather than retain the initial requirement that all switches in an MSA be upgraded).⁵ In adopting this rule, the Commission explained that,

This approach will permit LECs to target their resources where number portability is needed and avoid expenditures in areas within an MSA in which competitors are not currently interested.⁶

For the same reason, N-1 carriers should not be charged for default queries on calls to non-ported NXXs.⁷

Moreover, the Commission has indicated that "a 'default routed call' situation would occur . . . when a call is made to a telephone number in an exchange with any ported numbers" only.⁸ By implication, default charges may not be assessed for calls to

⁵ See Telephone Number Portability, CC Dkt. No. 95-116, RM-8535, *First Memorandum Opinion and Order on Reconsideration* at ¶ 59 (rel. March 11, 1997).

⁶ Id. (emphasis added).

⁷ The Commission's rejection of Query on Release ("QOR") is not inconsistent with its general attempt to target number portability upgrades narrowly. Incumbent LECs argued that QOR would result in more efficient deployment of number portability because it allowed the ILECs to perform queries only on calls to ported numbers, rather than on calls to all numbers in an NXX with at least one ported number. But the FCC rejected ILEC requests to implement QOR because it would result in service degradation to customers with ported numbers. See id. at ¶ 20. No similar rationale justifies the imposition of needless default query charges.

⁸ See In the Matter of Telephone Number Portability, CC Dkt. No. 95-116, *Second Report and Order* at ¶ 76 (rel. Aug. 18, 1997).

a telephone number in an exchange without any ported numbers. This makes sense. Number portability charges, including querying charges, should cover the cost of serving ported numbers only. LECs should not be permitted to charge a query fee for numbers for which the BOC need not conduct a query in order to transport and terminate the call.

In any case, the purported concerns of incumbent LECs that choose to perform queries on non-ported NXXs do not justify the imposition of default query charges. TWComm is aware of two rationales for this approach. First, carriers claim that it is more efficient to make trigger and routing table changes all at once, and that it eases the burden of meeting the five day deadline for performing these functions. But any efficiency analysis must include consideration all relevant costs, including the costs of many unnecessary queries. LECs must not be permitted to skew the efficiency analysis by passing some of the costs onto N-1 carriers through default query charges. All of the extra costs of making queries on non-ported NXXs must be absorbed by the LEC.

Second, some carriers indicate that performing queries before numbers are ported offers a controlled environment in which to test the effect of increased numbers of queries on the network. This is a somewhat ironic position for the incumbent LECs to take given their past insistence that flash-cut adoption of number portability would overwhelm their SS7 networks. Moreover, if early querying on non-ported NXXs were necessary to

ensure network integrity, it would presumably have been incorporated into the NANC and regional carrier committee guidelines to which the LECs were important contributors. In any case, the LECs must demonstrate that such a change is required before they may be permitted to impose default query charges.

It should be pointed out that in some cases, the LECs' concerns can be satisfied without requiring any default queries on calls from other networks. Such a result is possible where all carriers interconnect with the incumbent at tandem offices. Where this is the case, the LEC could upgrade all of its end-offices to support querying for all NXXs (including non-ported NXXs) served by those end offices. Tandem offices at which carriers interconnect, however, would only be upgraded for NXXs after a number from the particular NXX has been ported. Thus, a call from an interconnecting carrier to an ILEC customer in a non-ported NXX would pass through the interconnection tandem. The tandem triggers would not recognize the called NXX as requiring a query. The tandem would then pass the call to the end office serving the called party. The end office would also not perform a query (unless the number is "vacant", e.g., not in service). However, calls from another ILEC end office to the same number would cause the originating end office to perform a query.

This scenario would permit the majority of the network number portability upgrades to occur at once. For instance, the LEC could upgrade every end-office at the outset. LECs would


still be required to upgrade tandems to trigger only necessary queries on an as-needed basis, but this should be easy to accomplish within the five day limit. In addition, end office upgrades would permit the LEC to perform a query for all calls, if it so wished, from a LEC customer to another LEC customer served by a different end office. This is because those queries would be made at the originating end-office, not at the tandem. Thus, the integrity of the system could be tested on calls to both NXXs with ported numbers and those without.

In all events, however, the Commission must ensure that carriers are not obligated to incur number portability costs except where absolutely necessary for the advancement of competition. To ensure this result, the carriers subject to this investigation must state in their tariffs whether they plan to perform queries on non-ported NXXs. Any carrier adopting such an approach must also be required to amend its tariff to state clearly that it will not charge other carriers for default queries on calls to non-ported NXXs.

CONCLUSION

For the foregoing reasons, the Commission should prohibit any carrier from imposing default query charges on other carriers for calls to NXXs in which no telephone number has been ported.

Respectfully submitted,



Brian Conboy
Thomas Jones
Jay Angelo (

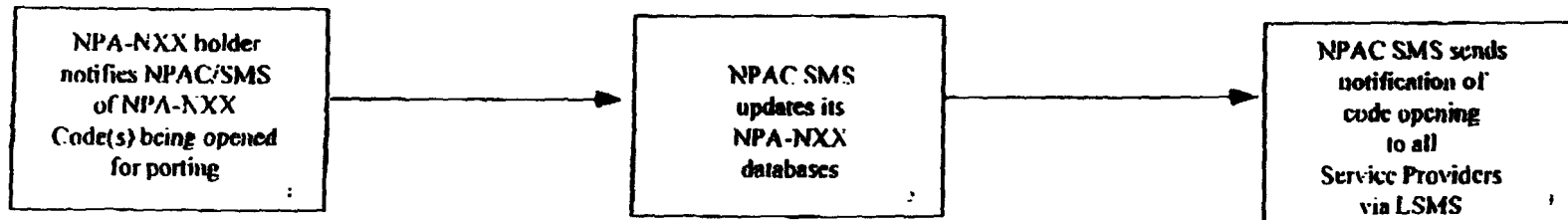
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INTER-SERVICE PROVIDER LNP OPERATIONS FLOWS - CODE OPENING PROCESSES-

NPA-NXX Code Opening



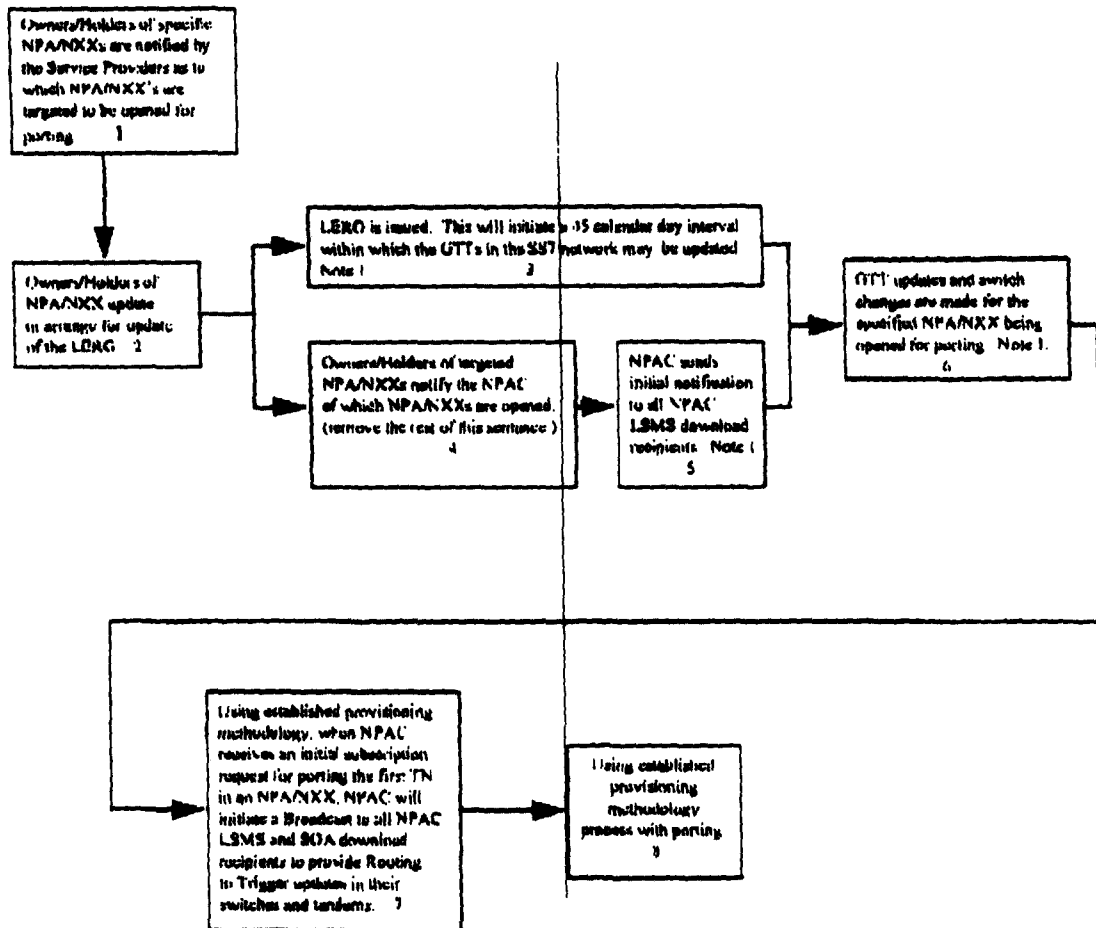
First TN Ported in NPA-NXX



figure 9

SW Region Code Opening Process for Number Portability

06-26-97)



NOTE: SS7 Global Title Translation (GTT) changes are required to facilitate 10-digit translations. The NXX must also be translated in the switch to query the SCP for routing information. Both of these changes (query set-up and 10 digit GTTs) can take place when the LEAC is issued, when the NPAC sends initial notification, or when the NPAC broadcasts the initial subscription request as long as they are in place when the 1st customer, in the NXX, ports.

SW REGION PROCESS FLOW FOR OPENING NPA/NXXs FOR PORTING IN AN LNP ENVIRONMENT

BOX 1

Individual Service Providers identify the NPA-NXXs that they expect to port customers from.

Service Providers send a request to the holders/owners of specific NPA/NXXs that have been targeted for portability. The request must be received by the holders/owners NPA/NXXs by the 15th of the month for portability information to be included in the next LERG update. The request recipient must respond within 5 business days upon receipt of the request. The request will contain the targeted NPA/NXXs and expected portability due date. The response shall confirm whether or not the request can be processed. If the request can not be processed, the reasons for this must be noted in the response. It's expected that all requests for NPA/NXXs in LRN capable offices will be processed. Both the request and response may be sent via postal mail, FAX, Registered Mail, E-mail, etc. The required Global Title Translation (GTT) changes are expected to be complete within the 45 calendar days following the LERG publication. The LERG is published by the 5th business day of each month.

Requests to open NPA/NXXs reflect market forecasts of Service Providers. As such, requests for code openings shall be treated as proprietary marketing information.

BOX 2

It is assumed that the LERG will contain the universe of NPA/NXXs and only the holder/owner of an NPA/NXX or their authorized representative could update the LERG for the NPA/NXXs they hold/own. The holder/owner of an NPA/NXX or their authorized representative must input the necessary information into the LERG database for the requested NPA/NXXs by the last day of the month in which the request was received.

BOX 3

The LERG will be received by the 5th business day of the month. That LERG publication will contain the information entered prior to the last day of the previous month. When published, all changes in the LERG will be noted by annotation marking in the margins. The issuance of the LERG will initiate the 45 calendar day interval within which GTTs will be updated for LNP and for those services that are supported by the networks and are implemented via tariffs and interconnection agreements.

SS7 Global Title Translation (GTT) changes are required to facilitate 10-digit translations. These changes, for example, direct a service provider's LNP queries (Translation Type 11) to a 10-digit translator, inter-network LIDB queries, and potentially, changes to support inter-network CLASS and Interswitch Voice-Mail Service (ISVM). The changes for CLASS affect services such as Automatic Callback and Recall, Selective Call Rejection, Calling Name Delivery, as an example. Intercompany business agreements determine whether CLASS and ISVM messaging is supported, and whether GTT changes would be made.

BOX 4

Each service provider notifies the NPAC that specific NPA/NXX codes will be opened for portability via uploads on either the SOA or LSMS or by manual means. Service Providers are encouraged to provide this information when they update the LERG. The information must be provided to the NPAC within 5 business days from the issuance of the LERG.

BOX 5

The NPAC updates its internal service provider and network information. The NPAC sends information via the LSMS interface to all NPAC LSMS download recipients indicating that specific NPA/NXXs are scheduled to be opened for porting. This is provided as advanced notice.

BOX 6

Service Providers and Inter-exchange carriers have completed their GTT entries in their networks for all appropriate services.

BOX 7

When the NPAC receives an initial subscription request for porting the first TN in an NPA/NXX, NPAC will initiate a broadcast "heads-up" message to all LSMSs and SOAs. This heads-up is a final notification to all SPs that an NXX is going portable. Upon receipt of this message, Service Providers to open routing tables and set triggers in donor switch, LNP capable tandems and LNP capable offices in all networks within 5 business days of notification by NPAC. The due date for subsequent ported #s in NPA-NXX shall not be earlier than the due date for the initial ported number.

BOX 8

Service providers follow normal porting processes.

CERTIFICATE OF SERVICE

I, Catherine M. DeAngelis, do hereby certify that on this 20th day of February, 1998, copies of the foregoing "Comments on Direct Cases" of Time Warner Communications Holdings Inc. were mailed, first class postage prepaid, unless otherwise indicated, to the following parties:

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